

Application No. 09/497,590
Amendment dated January 30, 2007
Reply to Office Action of August 28, 2006

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REMARKS

Applicant amended claim 149 to further define Applicant's invention. In doing so, Applicant included language similar to that of previously allowed claim 105. Claim 149 now recites that a guard member includes "a passage with a cross section transverse to the mid-longitudinal axis for providing protected access to the disc space and the adjacent vertebral bodies, said cross section of said passage being non-circular along at least a portion of the mid-longitudinal axis."


In view of the foregoing remarks, and Applicant's previously submitted amendment of January 17, 2007, it is respectfully submitted that the application is in condition for allowance, and issuance of a timely Notice of Allowance of claims 105-115 and 121-187 is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: January 30, 2007

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